

Filed 10/13/20 In re Jayden R. CA2/2

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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

SECOND APPELLATE DISTRICT

DIVISION TWO

In re JAYDEN R. et al., Persons
Coming Under the Juvenile Court
Law.

LOS ANGELES COUNTY
DEPARTMENT OF CHILDREN
AND FAMILY SERVICES,

Plaintiff and Respondent,

v.

KIANA R.,

Defendant and Appellant.

B304566
(Los Angeles County
Super. Ct. No. 19CCJP04501B-C)

APPEAL from findings and orders of the Superior Court of
Los Angeles County. Annabelle G. Cortez, Judge. Affirmed.

Patricia K. Saucier, under appointment by the Court of
Appeal, for Defendant and Appellant.

Mary C. Wickham, County Counsel, Kim Nemoy, Acting Assistant County Counsel, and Veronica Randazzo, Deputy County Counsel, for Plaintiff and Respondent.

Kiana R. (mother) challenges the juvenile court's jurisdictional findings and dispositional orders concerning two of her children, Jayden R. (Jayden, born May 2015) and Eyana R. (Eyana, born Sept. 2016). She argues that insufficient evidence supports the juvenile court's findings that she abused marijuana or that her use of marijuana placed the two children at risk of serious physical harm (Welf. & Inst. Code, § 300, subd. (b)).¹ Therefore, she contends that the juvenile court erred in maintaining, as opposed to terminating, jurisdiction, at the subsequent disposition hearing.

We conclude that the juvenile court's jurisdictional findings are supported by substantial evidence. Regarding the juvenile court's dispositional order, we conclude that mother forfeited any objection to it by failing to raise an objection below. Setting this procedural obstacle aside, the dispositional order was not an abuse of discretion. Accordingly, we affirm.

¹ All further statutory references are to the Welfare and Institutions Code unless otherwise indicated.

FACTUAL AND PROCEDURAL BACKGROUND

The Family

This family consists of mother and her three minor children, 15-year-old Essence R. (Essence, born Jan. 2004),² four-year-old Jayden, and two-year-old Eyana. Mother also has two adult children. When the Department of Children and Family Services (DCFS) got involved, mother said that the children's respective fathers were not involved and she refused to provide any information for them. The family had no prior history with the juvenile court, but did have four prior referrals dating back to 2003 with DCFS; those referrals were closed as either unfounded or inconclusive.

Detention Report

On June 12, 2019, DCFS received an immediate-response referral indicating that mother had asked where she could give up her children. The reporting party said that mother wanted to give up her children because she had been having thoughts of killing her children and herself. Mother was placed on a section 5150³ hold for being a danger to herself and others. The

² Essence is sometimes referred to as "Essences" in the appellate record. She is not the subject of this appeal.

³ Section 5150, subdivision (a), provides: "When a person, as a result of a mental health disorder, is a danger to others, or to himself, or herself, or gravely disabled, a peace officer, professional person in charge of a facility designated by the county for evaluation and treatment, member of the attending staff, as defined by regulation, of a facility designated by the county for evaluation and treatment, designated members of a mobile crisis team, or professional person designated by the county may, upon probable cause, take, or cause to be taken, the

reporting party added that mother was combative. Mother was admitted to the hospital and the children were left with Semaj R. (Semaj).

A children's social worker (CSW) arranged to meet with mother's adult son, Semaj, the same day. He did not have the children with him, but he said that they were safe. He explained that he left work and went to mother's home when Essence had called him and told him that police were at the home. Semaj stated that he understood why the CSW needed to meet with the children, but he was fearful they would be detained. He denied that he had ever heard mother say that she wanted to kill herself or the children. He also denied hearing that mother ever wanted to give the children up. Semaj had no knowledge of substance abuse or mental health issues related to mother.

Semaj told the CSW that the children could stay with him while mother was hospitalized. He refused to provide his address, and said that when mother was released from the hospital he would return the children to her. Semaj also told the CSW that he would allow her to contact the children, but he did not know when.

The CSW then met with mother at the hospital. Mother reported that she had contacted 211 and requested assistance to pay utilities. She did not like the response of the 211 operator and she (mother) acknowledged that she became upset and abrasive during the telephone conversation. Mother stated that she told the operator that she would get help when she "and the

person into custody for a period of up to 72 hours for assessment, evaluation, and crisis intervention, or placement for evaluation and treatment in a facility designated by the county for evaluation and treatment."

children were dead and gone.” She denied that she told the operator that she wanted to give up her children and that she had reported any thoughts or urges to kill herself or her children.

When the CSW asked mother about substance use in the home, mother responded that she smoked marijuana all day every day. Mother elaborated, stating that she smoked “a blunt^[4] and a half a day.” She denied that she stored any marijuana and explained that she smoked it when she obtained it. Mother said Jayden was at school and Eyana was asleep or with family when she smoked marijuana. She agreed to submit to a drug test when she was released from the hospital. Mother denied that her marijuana use impeded her ability to care for her children.

Mother denied that she had any mental health concerns for herself. She denied that she had reported suffering from depression or that she was seeing a therapist.

The Los Angeles Police Department (LAPD) placed mother on a 72-hour involuntary hold and she was transported to the hospital by ambulance for suicidal and homicidal ideation. Mother tested positive for marijuana when she was admitted at the hospital. The hospital transferred mother to Exodus Recovery Urgent Care Center (Exodus) for a mental health evaluation. The initial mental health status checklist indicated that mother’s mood was dysphoric and irritable. She displayed a

⁴ A blunt is a cigar that has had the tobacco removed and replaced with marijuana. Blunts can also be rolled using tobacco leaf wrappers. (Healthline (Oct. 21, 2019) Blunts, Spliffs, and Joints: What to know before you roll up <https://www.healthline.com/health/what-is-a-blunt#blunts> [as of Sept. 24, 2020], archived at <<https://perma.cc/RGR2-QN37>>.)

labile affect and she was aggressive and uncooperative. The impairments in life functioning for mother included her inability to sustain a job and a lack of social skills. Mother's diagnosis at Exodus was adjustment disorder, unspecified. Mother's June 13, 2019, discharge plan included referrals for outpatient mental health with Augustus Hawkins Mental Health Clinic and substance abuse treatment at Shields for Families.

When the CSW contacted mother two days later to interview the children, mother reported that the children went to Louisiana. Mother refused to disclose the children's location. Mother said she was in Las Vegas because of the stress from the investigation. She refused to provide her location and a specific time that she would be available for a home assessment.

DCFS made various attempts in June and July to assess the family home and the children's safety.

When Semaj was contacted on June 20, 2019, by another CSW, he sounded confused and said he was unaware of the DCFS investigation and any safety issues concerning the children. He denied that he had an alternative telephone number for mother.

A CSW contacted a maternal relative who reported that mother's telephone was disconnected. She denied that she had an alternative telephone number for mother. The relative reported that the children were in Mississippi.

Section 300 Petition and At Large Detention

On July 16, 2019, DCFS filed a section 300 petition seeking the children's detention and alleging that the children were described by subdivision (b)(1), based upon mother's mental and emotional problems and mother's substance abuse, each of which endangered the children.

At the initial hearing, mother and the children did not appear in the juvenile court. DCFS sought protective custody warrants for the children and an arrest warrant for mother. The court found a prima facie case had been made that the children were described by section 300, there was a substantial danger to the physical and emotional health of the children, and there were no reasonable means by which they could be protected without removing them from the home. The court issued emergency detention findings and detained the children from their respective parents. The court issued protective custody warrants for the children and an arrest warrant for mother.

Jurisdiction/Disposition Report

The children remained whereabouts unknown at the time DCFS filed its combined jurisdiction/disposition report. On August 21, 2019, mother arrived at a DCFS office with Semaj and spoke to the dependency investigator. Mother reported that the children had been in Mississippi for the summer and they had recently returned to Los Angeles. She said she did not know she had an open DCFS case. She denied all of the allegations and stated that she would not appear in the juvenile court. Mother denied that her marijuana use was a problem.

The following day, mother spoke with the services CSW over the telephone. She denied the allegations and denied that she smoked marijuana. When the CSW pointed out that mother had tested positive for marijuana at the hospital, mother said that she did not smoke to the point that she was unable to care for the children. She denied that she smoked marijuana all day every day and said that she did not smoke when the children were present. Mother explained that marijuana was not like

cocaine or methamphetamine, and said that marijuana calmed her.

DCFS recommended the children be declared dependents of the court and they be removed from mother's custody. DCFS also recommended that mother receive family reunification services, including a parent education program, mental health services, individual counseling, medication management, and a substance abuse program with random drug testing.

Contempt Proceedings and Detention

At the initial adjudication hearing on September 11, 2019, mother appeared in the juvenile court. She identified Marun N. (Marun)⁵ as Eyana's father. Mother was sworn in to testify. She refused to disclose the location of the children and she was held in contempt beyond a reasonable doubt and remanded to county jail.

The following day, the children appeared in the juvenile court. The juvenile court ordered mother's release from county jail and recalled the protective custody warrants. On September 13, 2019, mother appeared in custody in the juvenile court. The juvenile court once again found a prima facie case had been made that the children were described by section 300, there was a substantial danger to the physical and emotional health of the children, and there were no reasonable means by which they could be protected without removing them from the home. The court detained the children from mother and permitted monitored visits.

⁵ Marun is also referred to as Marvin in the appellate record.

Last Minute Information for the Court Reports

October 30, 2019, report

On September 30, 2019, mother reported that all of the allegations were false. Mother explained that LAPD said she was crazy “maybe because [she] cussed them out.” She stated that marijuana was legal; she denied smoking all of the time; and she said she smoked once in a while. The dependency investigator asked mother to drug test on demand, but mother refused to do so because she had smoked marijuana on September 10, 2019. Mother then said that she was not refusing to drug test, but she did not have a bus pass to get to the testing site. The dependency investigator explained to mother that smoking marijuana was not the issue, but DCFS was interested in knowing the level of marijuana in her system in order to gauge how much and how often she was smoking.

Mother failed to drug test on October 1, 2019. Mother was participating in a parent education program and individual counseling at Shields for Families. She was also enrolled in anger management at Ask Seek Knock-Personal Involvement Center.

Eyana’s father contacted DCFS and reported that he had been engaged in mediation with mother for custody and visitation.

November 13, 2019, report

In this report, DCFS reported that Essence denied any of the allegations were true. She said mother did not have a history of marijuana use nor did mother currently use marijuana.

Marun said he did not know whether mother had a mental health issue, but he described how mother chased him down a street in her vehicle. He described mother as being toxic,

unpredictable, and volatile. Marun said mother had no income or job.

He added that mother used marijuana and she did not go one day without it. Marun reported that mother smoked marijuana in front of the children. He stated that he had smelled marijuana in front of mother's home when he had stopped by the home in the past. Marun believed that mother could not function without marijuana.

Jayden did not seem to know what marijuana was and he denied that he ever saw mother smoking.

Jayden and Eyana's relative caregiver reported that mother smoked marijuana, but she did not know whether she was currently smoking the drug. The caregiver said mother did not smell like marijuana nor did she appear to be under the influence during her visits with the children.

DCFS included the transcripts from mother's telephone call with the 211 operator. Mother contacted 211 seeking assistance with paying her utilities and her rent. When she was told that she had to have an eviction notice for rent assistance, mother asked for a telephone number to have someone pick-up her children because she did not want to put her children through "this." She said it was like "they" wanted her to commit suicide. At the end of the call, mother said, "It's okay. I'll just kill everybody."

DCFS recommended that Eyana be released to her father and that mother participate in family reunification services, including a substance abuse program.

Jurisdiction Hearing

On November 26, 2019, the juvenile court proceeded with the jurisdiction hearing. The court marked and admitted into

evidence DCFS's reports and the transcripts and audio of the 211 call made by mother. The court also admitted into evidence mother's exhibits.

Counsel for Eyana asked the juvenile court to sustain the allegation related to mother's marijuana abuse due to Eyana's young age, mother's admissions, and statements by Eyana's father.⁶ Counsel for Jayden asked the court to sustain the allegation related to mother's marijuana abuse based upon Marun's statements, mother's admissions, and the evidence that Jayden had tested positive for marijuana at his birth. Mother's counsel asked the juvenile court to dismiss the petition in its entirety. Counsel for DCFS asked the court to sustain the petition as pled.

As sustained, the juvenile court found, under section 300, subdivision (b)(2): "The children, Jayden R[.] and Eyana R[.]'s mother . . . has a history of substance abuse and is a current abuser of marijuana, which renders the mother incapable of providing regular care of the children. On prior occasions in 2019, the mother was under the influence of marijuana while the children were in the mother's care and supervision. On 06/12/2019, the mother had a positive toxicology screen for marijuana. The children Jayden and Eyana are of such a young age as to require constant care and supervision and the mother's substance abuse interferes with providing regular care and supervision of the children. Such substance abuse on the part of the mother endangers the children's physical health and safety

⁶ Eyana's counsel refers to Jayden's father, but this appears to be a mistake. The only father who was interviewed by DCFS and participated in the proceedings was Eyana's father.

and places the children at risk of serious physical harm and damage.”

When sustaining the substance abuse count, the juvenile court acknowledged that marijuana use alone was not jurisdictional. But, mother’s marijuana use was long-term and there was a prior positive toxicology for one of the children. Furthermore, the juvenile court noted that Jayden and Eyana were differently situated from their teen sister, Essence, because they were young and of tender age. Citing the legislative intent of section 300.2, the juvenile court stated that it did not have to wait until actual harm befell Jayden and Eyana to take the steps necessary to protect them. The juvenile court dismissed the count related to mother’s mental health.

The juvenile court released Eyana to her father’s custody and scheduled a contested disposition hearing.

Last Minute Information for the Court

In a report filed on December 31, 2019, DCFS reported that mother had failed to drug test on December 16, 2019. In a second report filed on February 5, 2020, DCFS reported that mother drug tested negative three times in January. She tested positive for marijuana at 29 nanograms per milliliter on January 16, 2020. She failed to drug test one time in October 2019, three times in December 2019, and one time in January 2020.

Mother had completed 11 out of 12 parent education classes and she successfully completed individual counseling through the Southern California Counseling Center.

Due to mother’s progress and cooperation, DCFS recommended that Jayden be released to mother’s custody and that Eyana be released to both of her parents’ custody. DCFS further recommended that mother participate in family

maintenance services to include random drug testing. In addition, DCFS suggested that if mother's marijuana levels increased or if she tested positive for other substances, that she be ordered to complete an outpatient drug program in addition to random drug testing with aftercare.

Disposition Hearing

On February 5, 2020, the juvenile court proceeded with the disposition hearing. It marked and admitted into evidence DCFS's reports. It also marked into evidence mother's exhibits. Mother's counsel's only objection was to a portion of mother's case plan requiring her to participate in mental health counseling and a psychological assessment. Mother did not object to any other part of the case plan.

The juvenile court declared Jayden and Eyana dependents of the court. It released Jayden to mother, and Eyana to mother and her father. Mother was ordered to participate in a family maintenance plan that included (1) a parent education program, (2) individual counseling to address case issues, (3) mental health counseling that included a psychological assessment and an order that mother take all prescribed psychotropic medication, and (4) an order that she submit to random or on demand drug tests. If mother had a consistently high amount of marijuana or she tested positive for any other substance, she would have to participate in a full drug program.

Mother's Appeal

Mother's timely appeal ensued.

DISCUSSION

I. Jurisdictional Findings

Mother argues that there was insufficient evidence to support the juvenile court's jurisdictional findings under section

300, subdivision (b)(1), that she abused marijuana and that the children were at a substantial risk of suffering serious physical harm as a result of her marijuana use.

A. Standard of review

A petitioner in a dependency proceeding must prove by a preponderance of the evidence that the child who is the subject of a section 300 petition comes within the juvenile court's jurisdiction. (§ 355.) As the parties agree, we review the juvenile court's jurisdictional findings for substantial evidence. (*In re Kristin H.* (1996) 46 Cal.App.4th 1635, 1649.) Under this standard of review, we examine the whole record in a light most favorable to the findings of the juvenile court and defer to the lower court on issues of credibility of the evidence and witnesses. (*In re Luke M.* (2003) 107 Cal.App.4th 1412, 1427; *In re Tania S.* (1992) 5 Cal.App.4th 728, 733–734.) We do not resolve conflicts in evidence. (*In re Alexis E.* (2009) 171 Cal.App.4th 438, 450–451.)

B. Applicable law

Section 300, subdivision (b)(1), authorizes dependency jurisdiction when, inter alia, “[t]he child has suffered, or there is a substantial risk that the child will suffer, serious physical harm or illness, as a result of the failure or inability of his or her parent or guardian to adequately supervise or protect the child.” (§ 300, subd. (b)(1).) Three elements are often cited as necessary for a jurisdictional finding under section 300, subdivision (b)(1): “(1) neglectful conduct by the parent in one of the specified forms; (2) causation; and (3) ‘serious physical harm or illness’ to the minor, or a ‘substantial risk’ of such harm or illness.” (*In re Rocco M.* (1991) 1 Cal.App.4th 814, 820.) “The third element . . . effectively requires a showing that at the time of the

jurisdictional hearing the child is at substantial risk of serious physical harm in the future (e.g., evidence showing a substantial risk that past physical harm will reoccur). [Citations.]” (*In re Savannah M.* (2005) 131 Cal.App.4th 1387, 1396.)

“[P]roof of current risk of harm is not required to support the initial exercise of dependency jurisdiction under section 300, subdivision (b), which is satisfied by a showing the child has suffered or there is a substantial risk that the child will suffer, serious physical harm or abuse. [Citations.]” (*In re Adam D.* (2010) 183 Cal.App.4th 1250, 1261.)

“[T]he court may . . . consider past events when determining whether a child presently needs the juvenile court’s protection. [Citations.] A parent’s past conduct is a good predictor of future behavior. [Citation.] ‘Facts supporting allegations that a child is one described by section 300 are cumulative.’ [Citation.] Thus, the court ‘must consider all the circumstances affecting the child, wherever they occur.’ [Citation.]” (*In re T.V.* (2013) 217 Cal.App.4th 126, 133.)

In addition, section 300.2 provides: “The provision of a home environment free from the negative effects of substance abuse is a necessary condition for the safety, protection and physical and emotional well-being of the child.”

C. Analysis

Applying the foregoing legal principles, we conclude that the juvenile court’s jurisdictional findings are supported by substantial evidence. The juvenile court found mother had a substance abuse problem based upon her statements that she smoked marijuana all day, every day, the fact that she was under the influence of marijuana when she told the 211 operator that

she would just kill everyone, and the fact that she refused to submit to drug tests.

And, the children were at an inherent risk of harm because of their tender ages.⁷ Jayden was four years old and Eyana was three years old at the time of the jurisdiction hearing. While “a parent’s use of marijuana ‘*without more*,’ does not bring a minor within the jurisdiction of the dependency court” (*In re Destiny S.*, *supra*, 210 Cal.App.4th at p. 1003), the children’s young ages here affects how we consider the effects of mother’s marijuana use. (See *In re Christopher R.* (2014) 225 Cal.App.4th 1210, 1219–1220 [regular and persistent use of marijuana demonstrates an inability to provide regular care to an infant]; *In re Drake M.* (2012) 211 Cal.App.4th 754, 767 [finding of substance abuse is *prima facie* evidence of the inability of a parent to provide regular care to young children, resulting in a substantial risk of physical harm].)

Urging us to reverse, mother asserts that there was insufficient evidence to establish that she was a substance abuser within the meaning of *In re Drake M.*, *supra*, 211 Cal.App.4th 754. To the extent mother suggests that a medical diagnosis of substance was required in order to sustain a jurisdictional

⁷ For this reason, mother’s reliance upon *In re Destiny S.* (2012) 210 Cal.App.4th 999 and *In re Rebecca C.* (2014) 228 Cal.App.4th 720 is misplaced. In those cases, the children were not children of tender years; the child in *In re Destiny S.* was 11 years old (*In re Destiny S.*, *supra*, at p. 1001) and the child in *In re Rebecca C.* was 13 years old (*In re Rebecca C.*, *supra*, at p. 722).

finding based upon substance abuse under section 300, subdivision (b)(1), she is mistaken. (*In re Rebecca C.*, *supra*, 228 Cal.App.4th at pp. 725–726; *In re Christopher R.*, *supra*, 225 Cal.App.4th at p. 1218.)

In re J.A. (2020) 47 Cal.App.5th 1036 is readily distinguishable. In that case, the family came to the attention of DCFS when the mother and her newborn baby tested positive for marijuana. (*Id.* at p. 1038.) The mother also had a four-year-old child. (*Ibid.*) The mother admitted that she consumed edible marijuana to treat her pregnancy symptoms. (*Ibid.*) Prior to the jurisdiction hearing, the mother appeared for several drug tests with negative results. (*Ibid.*) The juvenile court assumed jurisdiction based upon the mother’s marijuana abuse and the newborn’s toxicology screen. (*Id.* at p. 1045.)

The Court of Appeal reversed, finding insufficient evidence that (1) the mother abused marijuana (*In re J.A.*, *supra*, 47 Cal.App.5th at p. 1047), and (2) her children were at a substantial risk of harm from her marijuana use. (*Id.* at pp. 1048–1049.) After all, the only evidence of her marijuana use was her consumption of edible marijuana while she was pregnant to address her pregnancy symptoms. (*Id.* at p. 1047.) And, she was able to easily stop using marijuana as soon as she was told to do so. (*Ibid.*)

In contrast, in the instant case, as set forth above, there was ample evidence that mother was a chronic marijuana user and that her persistent abuse of marijuana placed her young children at substantial risk.

Moreover, there was evidence of life-impacting effects of mother's marijuana use. At the time she made threats to kill everyone, she was under the influence of marijuana. In fact, she was involuntarily hospitalized for being a danger to herself and others while she was under the influence of marijuana. Moreover, Marun reported that mother was unemployed without any source of income; an impairment in her life functioning was the ability to maintain a job. And Marun indicated that mother did not go a day without using marijuana; he believed that she could not function without it.

Mother further argues that the juvenile court erred when it found mother's marijuana use was chronic and continuous. In support, she points to the juvenile court's comment that there had been a positive toxicology screen for one of the children. While the evidence may not be clear as to whether one of the children (presumably Jayden) had a positive toxicology report when he was born, it is undisputed that she tested positive for marijuana at his birth. That evidence, coupled with the evidence of her admitted marijuana use, Marun's statements regarding her marijuana use, and her positive tests during these proceedings, supports the juvenile court's finding that her use was "chronic and continuous."

In a similar vein, mother claims that the fact that the juvenile court did not order her to participate in a drug treatment program proves that she does not have a substance abuse problem. The jurisdiction hearing and disposition hearing are separate proceedings, with different burdens and different considerations. And, notably here, the juvenile court did not

proceed with disposition at the same time as jurisdiction; the disposition hearing occurred three months after the jurisdictional hearing, with additional evidence presented at the disposition hearing.

II. *Dispositional Order*

Mother argues that the juvenile court erred in declaring the children dependents and maintaining jurisdiction over Jayden and Eyana.

First, mother contends that because the jurisdictional findings were not supported by sufficient evidence, the entire dispositional order must be reversed. As set forth above, there is ample evidence to support the juvenile court's jurisdictional findings. Thus, this argument fails.

Second, mother asserts that the juvenile court should have terminated jurisdiction (as opposed to maintaining jurisdiction) because no further risk to them remained.

A. Mother forfeited this objection

A party forfeits his or her right to challenge a ruling on appeal by failing to raise the issue below. (*In re S.B.* (2004) 32 Cal.4th 1287, 1293, fn. 2, superseded by statute in part on other grounds as stated in *In re S.J.* (2008) 167 Cal.App.4th 953, 962.) “[A] reviewing court ordinarily will not consider a challenge to a ruling if an objection could have been but was not made in the trial court. [Citation.] The purpose of this rule is to encourage parties to bring errors to the attention of the trial court, so that they may be corrected. [Citation.]’ [Citation.]” (*In re Daniel B.* (2014) 231 Cal.App.4th 663, 672.)

For the first time on appeal, mother contends that the juvenile court should have terminated jurisdiction and not maintained jurisdiction over the children. But mother neglected to make this argument below. At the disposition hearing, mother's counsel only objected to that portion of the case plan requiring mother to participate in mental health counseling and a psychological assessment. The failure to raise any other objection and otherwise submit on DCFS's report amounted to mother's acquiescence and precludes her from making the argument on appeal. (*In re Richard K.* (1994) 25 Cal.App.4th 580, 589–590.)

B. The juvenile court reasonably maintained jurisdiction

For the sake of completeness, we address the merits of mother's argument.

1. *Relevant law*

Once the juvenile court finds that a child is one described by section 300, “the court is then required to hear evidence on the question of the proper disposition for the child. [Citations.] Typically, once the child has been adjudged to be a dependent child pursuant to section 360, subdivision (d), the juvenile court determines what services the child and family need to be reunited and free from court supervision. [Citations.]” (*In re Destiny D.* (2017) 15 Cal.App.5th 197, 205–206, fn. omitted.) The juvenile court has broad discretion at disposition to make any reasonable orders to protect the child, including orders providing the family with services or orders terminating jurisdiction and putting appropriate protective measures in place. (*Id.* at pp. 205–208; see also § 362, subd. (a).) An abuse of discretion

occurs where the trial court exceeds the limits of legal discretion by making an arbitrary, capricious, or patently absurd ruling. (*In re Stephanie M.* (1994) 7 Cal.4th 295, 318.)

Although the juvenile court has the authority to terminate dependency jurisdiction at the disposition hearing, “such action should [not] be the norm. To the contrary, it will be an unusual case when protections imposed at disposition will be sufficient to permit the conclusion that termination is appropriate. It will be rarer still for a juvenile court to reach that conclusion when the parent with whom the child remains has been found to be an offending parent. . . . Jurisdiction should not be terminated unless the court concludes services and ongoing supervision are not necessary to protect the child.” (*In re Destiny D.*, *supra*, 15 Cal.App.5th at p. 211.)

2. *Analysis*

Applying these legal principles, the juvenile court did not abuse its discretion in deciding to maintain, as opposed to terminate, jurisdiction. Mother has been a chronic and continuous abuser of marijuana, and the children are of tender years, who require constant care and supervision. While mother did test negative for substances on three occasions prior to the disposition hearing, her brief period of sobriety does not wipe away a long history of drug use. (*In re Amber M.* (2002) 103 Cal.App.4th 681, 686–687.)

DISPOSITION

The juvenile court's jurisdictional findings and
dispositional orders are affirmed.

NOT TO BE PUBLISHED IN THE OFFICIAL REPORTS.

_____, J.
ASHMANN-GERST

We concur:

_____, P. J.
LUI

_____, J.
CHAVEZ